Supreme Court, U.S.
FILED
OCT 27 1970
E. ROBERT SEAVER

No.319

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1970

CHARLES H. MOGULNICKI

Petitioner,

VS.

STATE OF CONNECTICUT.

Respondent.

PETITION FOR REHEARING FOR WRIT OF CERTIORARI TO THE CONNECTICUT SUPREME COURT

Charles H. Mogulnicki
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Pro-se Attorney for Petitioner.

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To The Chief Justice Warren Burger Of The United States And The Associate Justices Of The United States Supreme Court:

The Petitioner, Charles H. Mogulnicki, prays that a petition for rehearing for Writ of Certiorari issue to review the judgement of the Connecticut Supreme Court in the above case.

STATMENT OF FACTS.

On Dec. 4, 1967 Trooper Keller and Sgt. Denerstein, of the Criminal Intelligence, State of Connecticut made a Warrantless arrest of the Petitioner, charged him with the crime of "pool selling", and seized

the sum of $705.00 from his person. Following his arrest and prior to entering a plea to the charge against him, the petitioner moved to dismiss the information on "the grounds that his arrest was illegal in that same was effected without an arrest warrant, in violation of the Statues of the State of Connecticut, and of Sections 7 and 9 of Article First of the Connecticut Constitution of 1965, and of Amendments 4 and 14 of the Constitution of the United States". At the end of the hearing the Court denied the motion. Judge Angelo G. Santaniello, presiding July 5, 1968.

ARGUMENT

(1) The warrantless arrest of the petitioner was in violation of the Fourth and Fourtheenth Amendment to the United States Constitution and lacked jurisdication of his person.

(2) The warrantless, search and seizure of the petitioner person was in violation of the Fourth Amendment to the Constitution of the United States.

(3) The petitioner was never advised of his right's by the arresting officers prior to the search and seizure.

Case authorities being presented, Henry v United States 361 U.S. 98, 103 (1959).
Wong v United States 371 U.S. 471, 479 (1963)
Johnson v United States 333 U.S. 10 (1948)
Beck v Ohio 379 U.S. 89, 96fn. 5 (1964)
Sibron v New York, 392 U.S. 40 (1968)
Katz v United States, 389 U.S. 347, 357 (1967).

CONCLUSION

For the above stated reason's the petitioner respectfully request's the Chief Justice Warren Burger and Associate Justices of the United States Supreme Court to reverse the denial of Petition for Writ of Certiorari and to remand the case with direction to dismiss the information against the petitioner for lack of jurisdiction of his person.

Charles H. Hoggard

Pro-se Attorney for Petitioner.